

## **REMARKS/ARGUMENTS**

The Applicants note that claims 1 – 9 and 12-15 are pending. Claims 10 – 11 are cancelled. Claims 16-20 are new. Independent claims 1, 6 12 and 14 are currently amended. The Applicants also note that claims 1, 6 - 7 and 12 - 14 presently stand rejected by the Examiner under 35 USC § 102(e) as being anticipated by US Patent No. 6, 111, 893 to Volftsun et al (hereinafter “Volftsun”). The Applicants also note that claims 2 –5, 8-9 and 15 presently stand rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Volftsun in view of US Patent No. 5, 809,021 to Diaz et al. (hereinafter “Diaz”).

### **Claim Rejections under 35 USC § 102(e)**

The Applicants again note that claims 1, 6 – 7 and 12-13 presently stand rejected by the Examiner under 35 USC § 103(e) as being anticipated by US Patent No. 6, 111, 893 to Volftsun et al (hereinafter “Volftsun”). Volftsun discloses a remote access node, that functionally replaces a PBX. Although, the remote access node may be paired with a switch, it is not a data switching device. Volftsun converts signals based on protocol definitions and customer-specified parameters into a non-protocol specific form (e.g., a generic protocol) and then converts the generic protocol into the requisite protocol of the receiving network. Because Volftsun does not anticipate efficient operation the multi-media switching environment, the efficient resource allocation of switching applications based on Quality of Service (QoS) is not anticipated.

In contrast to the prior art, the present invention, in its several embodiments, translates incoming data packets having a standardized protocol into a generic protocol with a descriptor. This descriptor may be employed, for example, to provision switch resources that determine Quality of Service (QoS) within the switch. With the generic packet descriptor, the switch in its several embodiments is adapted to define the priority with which packets are processed in a manner that is both uniform and consistent, independent of the protocol or media type of the inbound packets. This provides the data switch the ability to differentiate and preferentially treat high priority packet flows over lower priority flows with protocol

transparency independently of the media type from which the packet was received or to which it was transmitted.

Claims 1, 6 and 12 have been amended to further clarify the descriptor generation as part of the first translation process within the switch of the present invention. Accordingly, Applicants respectfully submit Volftsun does not anticipate the present invention as claimed and that the independent claims 1, 6, and 12 and their respective dependent claims 2-5, 7-9, and 13 are in condition for allowance.

#### **Claim Rejections under 35 USC § 103(a)**

The Applicant again note that claims 2 –5, and 8-9 presently stand rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Volftsun in view of US Patent No. 5, 809,021 to Diaz et al. (hereinafter “Diaz”). respectfully submit that time-stamping a datagram and monitoring its time in a queue is not the same as upfront QOS level based resource allocation of the present invention.

#### **New Claims**

The Applicant has added new dependent claim 16 -20 to further clarify claim 1 as presently amended . These new claims find full support in the specification and no new matter has been added. As claims 16-19 dependent from independent claim 1 and claim 20 depends from claim 19, the applicant respectfully submits that claims 16-20 are in a condition for allowance.

Appl. No. 09/511,265  
Amdt. Dated August 3, 2004  
Reply to Office action mailed May 3, 2004

In addition to the extension of time, an additional fee of \$770 is anticipated with this response. Should additional fees be required, authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. **02-3979**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Blaine Brooks". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Brooks".

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